

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

**SWINOMISH INDIAN TRIBAL
COMMUNITY, a federally recognized Indian
Tribe,**

Plaintiff.

v.

BNSF RAILWAY COMPANY, a Delaware corporation,

Defendant.

NO. 2:15-cv-00543-RSL

DECLARATION OF ELISSA KALLA
IN RESPONSE TO BNSF RAILWAY
COMPANY'S MOTION FOR
SUMMARY JUDGMENT AND
REPLY IN SUPPORT OF
SWINOMISH INDIAN TRIBAL
COMMUNITY'S MOTION FOR
SUMMARY JUDGMENT IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT

I, Elissa Kalla, declare as follows:

1. I am the Director of the Lands Department of the Plaintiff Swinomish Indian Tribal Community (“Tribe”). I was previously employed by the Tribe as the GIS and Administrative Services Manager. I am competent to testify and make this declaration based upon my personal knowledge.

2. I received a July 06, 2010 email from Camilla Dillon, of Jones Lang LaSalle Americas, Inc. (in 2010 and in 2011 through September, my last name was Fjellman). Attached to the July 06 email was a letter from Ms. Dillon, also dated July 06, 2010, addressed

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AND REPLY IN SUPPORT OF SWINOMISH INDIAN TRIBAL
COMMUNITY'S MOTION FOR SUMMARY JUDGMENT (2:15-cv-
00543-RSL) - 1
5973.001/311640.1

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1 to Merril Burke, Chief Financial Officer of the Tribe, and to the Tribal Attorney. Also attached
2 to the July 06 email was a letter to “Landlord” dated June 01, 2009 from Kurt Geringer of
3 BNSF Railway. A copy of the July 06, 2010 email, with the attached July 06, 2010 and June 1,
4 2009 letters is attached to this Declaration as Exhibit 50.

5 3. I sent a letter dated August 17, 2011 to Jones Lang LaSalle Americas, Attn:
6 Camilla Dillon, a true and correct copy of which is attached as Exhibit 51.

7 4. I sent a second letter to Jones Lang LaSalle Americas, Attn: Camilla Dillon,
8 dated October 18, 2011, a true and correct copy of which is attached as Exhibit 52. I enclosed a
9 copy of my August 17, 2011 letter (Exhibit 51) with the October 18 letter.

10 I declare under penalty of perjury of the laws of the state of Washington that the
11 foregoing is true and correct.

12 DATED this 24th day of August, 2016.

By: Elissa Kalla
Elissa Kalla

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CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Stellman Keehnle, WSBA #9309
Andrew Escrobar, WSBA #42793
Jeffrey DeGroot, WSBA #46839
DLA Piper LLP
701 Fifth Avenue, Suite 7000
Seattle WA 98104

DATED at Seattle, Washington, this 24th day of August, 2016.

/s/ Christopher I. Brain

Christopher I. Brain, WSBA #5054
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Attorneys for Plaintiff
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